

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ADRIANNA KILLAM, a Washington resident.	)	
	)	
Plaintiff,	)	<b>NO.</b>
	)	
vs.	)	
	)	
MRN PROPERTIES, LLC, a Washington	)	<b>COMPLAINT FOR</b>
corporation,	)	<b>DECLARATORY AND</b>
	)	<b>INJUNCTIVE RELIEF</b>
	)	
Defendant.	)	<b>JURY DEMAND</b>
	)	

COMES NOW, Plaintiff, Adrianna Killam by and through her attorneys, Conrad A. Reynoldson of Washington Civil & Disability Advocate and Lance Hester of the Hester Law Group, Inc., P.S., and for her Complaint for Declaratory and Injunctive Relief states and alleges as follows:

**I. OVERVIEW**

1. The Americans with Disabilities Act and the Washington Law Against Discrimination require places of public accommodation to be accessible to people with disabilities.

2. A restaurant is a place of public accommodation within the meaning of Title III of the ADA, 42 U.S.C. §12181(7), and its implementing regulation, 28 C.F.R. §36.104.
3. Nearly 27 years after the passage of the Americans with Disabilities Act, Defendant discriminates against individuals with disabilities because it leases a property to places of public accommodation that does not comply with the ADA's accessibility laws and regulations that were enacted into law to protect persons with mobility disabilities.
4. Therefore, Plaintiff brings her action to end the Defendant's civil rights violations against persons with mobility disabilities committed by MRN PROPERTIES, LLC which owns the property which Defendant leases to a tenant which is a place of public accommodation.

## II. PARTIES

5. Plaintiff, Adrianna Killam, is a Washington resident and she resides in this district.
6. Ms. Killam is paraplegic and unable to walk and is thus a a qualified person with a disability.
7. Ms. Killam uses a manual wheelchair and a modified vehicle for transportation and requires accessible parking to patronize the Veraci Pizza at Defendant's property.
8. MRN PROPERTIES, LLC is a Washington corporation.
9. Michael B. Nelson is the Registered Agent for MRN PROPERTIES, LLC.
10. The address for MRN PROPERTIES, LLC's Registered Agent is 2810 Eastlake Avenue East, Seattle, WA 98102.

**III. JURISDICTION AND VENUE**

11. This court has jurisdiction pursuant to 28 U.S.C. §1331, which gives district courts original jurisdiction over civil actions arising in the Constitution, laws, or treaties of the United States.

12. This court has jurisdiction pursuant to 28 U.S.C. §1343(a)(4), which gives district courts jurisdiction over actions to secure civil rights under Acts of Congress.

13. This court has jurisdiction pursuant to 28 U.S.C. §1367, which gives district courts supplemental jurisdiction over state law claims.

14. Venue is appropriate in this judicial district under 28 U.S.C. §1391 because the practices and procedures that gave rise to the Plaintiff's Complaint for Injunctive Relief and Damages occur in this district.

**IV. FACTUAL ALLEGATIONS**

15. The ADA was enacted in 1990, "[t]o establish a clear and comprehensive prohibition of discrimination on the basis of disability."

16. The ADA prohibits public accommodations from providing individuals with disabilities with separate or unequal benefits and services.

17. Defendant's property is one example of countless places of public accommodation that have substantial and numerous compliance issues with the ADA. (Approximately only 2% of places of public use are completely ADA compliant. Carrie Becker, Private Enforcement of the Americans with Disabilities

1 Act Via Serial Litigation: Abusive or Commendable?, 17 HASTINGS  
2 WOMEN'S L.J. 93, 99 (2006).)

3 18. Per 42 U.S.C. § 12101, the findings and purpose section of the original ADA,  
4 "...individuals with disabilities continually encounter various forms of  
5 discrimination, including outright intentional exclusion, the discriminatory effects  
6 of architectural, transportation, and communication barriers, overprotective rules  
7 and policies, failure to make modifications to existing facilities and practices,  
8 exclusionary qualification standards and criteria, segregation, and relegation to  
9 lesser services, programs, activities, benefits, jobs, or other opportunities..."

10 19. Further, "...census data, national polls, and other studies have documented that  
11 people with disabilities, as a group, occupy an inferior status in our society, and  
12 are severely disadvantaged socially, vocationally, economically, and  
13 educationally..." *Id.*

14 20. Finally, "...the Nation's proper goals regarding individuals with disabilities are to  
15 assure equality of opportunity, full participation, independent living, and  
16 economic self-sufficiency for such individuals..." *Id.*

17 21. Title III of the ADA states in relevant part: "No individual shall be discriminated  
18 against on the basis of disability in the full and equal enjoyment of the goods,  
19 services, facilities, privileges, advantages, or accommodations of any place of  
20 public accommodation by any person who owns, leases (or leases to), or operates  
21 a place of public accommodation." 42 U.S.C. § 12182(a).

22 22. Ms. Killam is a qualified individual with a disability within the meaning of Title  
23  
24 III of the ADA and the Washington Law Against Discrimination.  
25

**Plaintiff**

23. Ms. Killam is a Burien, Washington resident.

24. Ms. Killam is paraplegic and unable to walk and is thus a a qualified person with a disability.

25. Ms. Killam travels throughout Seattle on a regular basis.

26. Ms. Killam last patronized the property in question on May 4, 2017.

27. Ms. Killam plans to return to the property in question once the alleged accessibility barriers are addressed.

**Defendant's Property**

28. Ms. Killam last patronized the Veraci Pizza on Defendant's property located at 500 NW Market St, Seattle, WA 98107 on May 4, 2017.

29. Ms. Killam used her manual wheelchair and modified vehicle, albeit at personal risk due to existing accessibility barriers.

30. Ms. Killam does not feel safe accessing the property as is due to the current accessibility barriers.

31. The barriers Ms. Killam encountered were a complete lack of accessible parking in the parking lot and an unsafe and noncompliant curb ramp up to the entrance.

32. Defendant's property does not comply with the ADA's accessibility laws and regulations under either the 1991 ADA Standards for Accessible Design (1991 Standards) or 2010 ADA Standards for Accessible Design (2010 Standards).

33. Ms. Killam requires compliant accessible parking in order to safely patronize the tenant of Defendant's property using her modified vehicle and manual wheelchair.

1 34. Ms. Killam requires a compliant curb ramp in order to safely patronize the tenant  
2 of Defendant's property using her modified vehicle and manual wheelchair.

3 35. Ms. Killam's attorney, Conrad Reynoldson of Washington Civil & Disability  
4 Advocate, provided pre litigation notice and an opportunity to settle this matter  
5 without a lawsuit by a phone call and written correspondence with the property  
6 manager, Kristina Sarr, from May 26, 2017 to June 1, 2017.

7 36. On June 1, 2017 Ms. Sarr emailed Mr. Reynoldson to inform him that the  
8 Defendant was unwilling to resolve the matter through a settlement agreement.

9 37. As of the filing of this complaint no alterations have been made to address the  
10 existing accessibility barriers.

11 38. Defendant's property is not safe for people who use wheelchairs and modified  
12 vehicles because it does not comply with the ADA's accessibility laws and  
13 regulations.

14 39. Defendant's property is not welcoming to people who use wheelchairs and  
15 modified vehicles because it does not comply with the ADA's accessibility laws  
16 and regulations.

17 40. The failure of MRN PROPERTIES, LLC to make the property comply with the  
18 ADA's accessibility laws and regulations works to exclude people with  
19 disabilities from equal access and enjoyment.  
20

21  
22 **V. FIRST CAUSE OF ACTION**

23  
24 41. Ms. Killam incorporates by reference the allegations in the paragraphs above.  
25

1 42. Ms. Killam is paraplegic and unable to walk and is thus a qualified individual  
2 with a disability within the meaning of Title III of the ADA.

3 43. Title III of the ADA states in relevant part: "No individual shall be discriminated  
4 against on the basis of disability in the full and equal enjoyment of the goods,  
5 services, facilities, privileges, advantages, or accommodations of any place of  
6 public accommodation by any person who owns, leases (or leases to), or operates  
7 a place of public accommodation." 42 U.S.C. § 12182(a).

8 44. Defendant, MRN PROPERTIES, LLC, owns or leases the property where the  
9 Veraci Pizza tenant is located.

10 45. Defendant's tenants are places of public accommodation. 42 U.S.C. §  
11 12181(7)(B).

12 46. Defendant has discriminated against Plaintiff on the basis of her disability.

13 47. Defendant's discriminatory conduct includes but is not limited to:

- 14
- 15 a. Discriminatory exclusion and/or denial of goods, services, facilities,  
16 privileges, advantages, accommodations, and/or opportunities;
  - 17 b. Provision of goods, services, facilities, privileges, advantages, and/or  
18 accommodations that are not equal to those afforded non-disabled  
19 individuals;
  - 20 c. Failing to make reasonable modifications in policies, practices, and/or  
21 procedures as necessary to afford the goods, services, facilities, privileges,  
22 advantages, and/or accommodations to individuals with disabilities;
- 23  
24  
25

- 1 d. Failing to make alterations in such a manner that, to the maximum extent  
2 feasible, the altered portions are readily accessible to and usable by  
3 individuals with disabilities, including individuals who use wheelchairs;  
4 e. Failing to remove barriers to individuals with disabilities where it would  
5 be readily achievable to do so.

6 48. As such, Defendant discriminates and, in the absence of the injunction requested  
7 herein, will continue in the future to discriminate against Plaintiff on the basis of  
8 disability in the full and equal enjoyment of the goods, services, facilities,  
9 privileges, advantages, accommodations and/or opportunities at the restaurants in  
10 question in violation of Title III of the Americans with Disabilities Act, 42 U.S.C.  
11 § 12181 et seq. and/or its implementing regulations.

12 49. Defendant's discriminatory conduct as alleged in this Complaint for Declaratory  
13 and Injunctive Relief has harmed Ms. Killam, and the harm continues.

14 50. Defendant's discriminatory conduct as alleged in this Complaint for Declaratory  
15 and Injunctive Relief entitles Ms. Killam to declaratory and injunctive relief. 42  
16 U.S.C. § 12188.

17 51. Defendant's discriminatory conduct as alleged in this Complaint for Declaratory  
18 and Injunctive Relief entitles Ms. Killam to recover her reasonable attorneys' fees  
19 and costs incurred in bringing this action. 42 U.S.C. § 12205.  
20

21 \*\*

22 \*\*

23 \*\*

24 \*\*  
25



**VI. SECOND CAUSE OF ACTION**

**Violation of the Washington Law Against Discrimination**

**(R.C.W. §§ 49.60.010 et seq.)**

52. Plaintiff, Ms. Killam incorporates by reference the allegations in the paragraphs above.

53. Ms. Killam is a qualified individual with a disability within the meaning of the Washington Law Against Discrimination.

54. Section 49.60.030(1) of the Revised Code of Washington provides in pertinent part: "The right to be free from discrimination because of . . . the presence of any sensory, mental, or physical disability . . . is recognized as and declared to be a civil right. This right shall include, but not be limited to: . . . (b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement . . . ."

55. Defendant, MRN PROPERTIES, LLC, leases out the property at 500 NW Market Street, Seattle, WA 98107

56. Defendant has violated and continue to violate §§ 49.60.010 *et seq.* of the Revised Code of Washington by violating multiple accessibility requirements under the ADA.

57. Defendant's actions constitute discrimination against persons with disabilities and violate the Washington Law Against Discrimination, Revised Code of Washington § 49.60.010 *et seq.*, in that persons with mobility disabilities have been and are denied full and equal enjoyment of the accommodations, advantages,

1 facilities, privileges, and services that Defendant provides to individuals who do  
2 not have disabilities.

3 58. As a direct and proximate result of Defendant's discriminatory conduct as alleged  
4 in this Complaint for Declaratory and Injunctive Relief, Ms. Killam has suffered  
5 and continues to suffer difficulty, hardship, isolation, and segregation due to  
6 Defendant's failure to remediate.

7 59. Defendant's discriminatory conduct as alleged in this Complaint for Declaratory  
8 and Injunctive Relief has denied Ms. Killam the full and equal enjoyment of  
9 services that the Washington Law Against Discrimination requires.

10 60. Ms. Killam has a clear legal right to access the tenants of Defendant's property  
11 under the Washington Law Against Discrimination.

12 61. Ms. Killam has the right for Defendant's property to comply with the ADA's  
13 accessibility laws and regulations under the Washington Law Against  
14 Discrimination.

15 62. Defendant's property does not comply with the ADA's accessibility laws and  
16 regulations.

17 63. Because Defendant's property does not comply with the ADA's accessibility laws  
18 and regulations, declaratory and injunctive relief are appropriate remedies under  
19 the Washington Law Against Discrimination. *See e.g. Kucera v. Dep't of Transp.*,  
20 140 Wash. 2d 200, 209 (2000).

21 64. Pursuant to RCW § 49.60.030(2), Ms. Killam is entitled to declaratory and  
22 injunctive relief and to recover from Defendant her reasonable attorneys' fees and  
23 costs incurred in bringing this action.  
24  
25

**VII. PRAYER FOR RELIEF**

WHEREFORE, Ms. Killam respectfully requests that this Court:

1. Assume jurisdiction over this action;
2. Find and declare Defendant MRN PROPERTIES, LLC to be in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181, et seq. and the Washington Law Against Discrimination, Wash. Rev. Code §§ 49.60.010 et seq. because Defendant's property does not comply with the ADA's accessibility laws and regulations;
3. Issue a permanent injunction ordering Defendant to immediately implement the necessary improvements to bring the Defendant's property into compliance with the ADA's accessibility laws and regulations;
4. Award Ms. Killam reasonable attorneys' fees and costs as authorized by 42 U.S.C. § 12205 and Wash. Rev. Code § 49.60.030(2);
5. Award actual, compensatory, and/or statutory damages to Ms. Killam for violations of her civil rights as allowed under state and federal law; and

\*\*

\*\*

\*\*

\*\*

\*\*

\*\*

\*\*

\*\*

6. Award such additional or alternative relief as may be just, proper and equitable.

DATED THIS 12th day of July, 2017.

HESTER LAW GROUP, INC., P.S.  
Attorneys for Plaintiff

By: 

Lance M. Hester  
WSB# 27813

WASHINGTON CIVIL & DISABILITY  
ADVOCATE  
Attorneys for Plaintiff

By: 

Conrad Reynoldson  
WSB# 48187